

Message Text

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ACTION ARA-10

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P 202237Z JUL 76

FM AMEMBASSY SAN JOSE

TO SECSTATE WASTHC PRIORITY 4529

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E.O. 11652: N/A

TAGS: PFOR, PGOV, CS

SUBJECT: VESCO CASE: MEISSNER/GRAZE DEPOSITIONS TO SEC

REF: STATE 176374

1. AMBASSADOR RAISED SUBJECT ON JULY 19 WITH FONMIN FACIO WHO IN HIS OWN RIGHT IS AN EXTREMELY ABLE ATTORNEY. HE SAID THAT HE SEES NOTHING ILLEGAL OR IMPROPER IN HAVING SEC SEND REPRESENTATIVES TO COSTA RICA FOR THIS CASE. I AM CONFIRMING THIS WITH HIM BY LETTER FOR THE RECORD.

2. EMBASSY BELIEVES, NEVERTHELESS, AS REFTEL ALSO SUGGESTS, THAT IT WOULD BE INADVISABLE FOR USG REPRESENTATIVES TO COME TO COSTA RICA TO MEET WITH U.S. FUGITIVES NOTORIOUSLY CONNECTED WITH VESCO, ESPECIALLY ON THEIR OWN TERMS. WE HAVE NO DOUBT THAT IN SOME MANNER, SOONER OR LATER, VESCO WILL DISTORT OR OTHERWISE MAKE USE OF THIS VISIT TO EMBARRASS THE US AND/OR TO EMBELLISH HIS ALLEGATIONS THAT THE USG IS PERSECUTING HIM.

3. VESCO'S ABILITY TO ATTACK US IN THIS WAY IS ESPECIALLY GREAT WHERE THE SEC IS DIRECTLY INVOLVED. DEPARTMENT WILL RECALL THAT PROMINENT COSTA RICAN OFFICIALS, INCLUDING PRESIDENT ODUBER, HAVE IN PAST ACCUSED THE SEC OF ASSERTING EXTRA-TERRITORIAL JURISDICTION AND OF HOLDING A GRUDGE AGAINST OR INTERFERING IN COSTA RICA. THIS LINE IS ALSO TAKEN BY EX-PRESIDENT FIGUERES AND BY ALL PUBLICISTS VESCO CAN REACH. THERE
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IS THEREFORE A GREAT RISK THAT PROPOSED VISIT WOULD BE

CONTROVERSIAL HERE DESPITE FACIO'S CONCURRENCE.

4. IF DESPITE THE ABOVE CONSIDERATIONS, THE DEPARTMENT AND SEC CONCLUDE THAT THESE DEPOSITIONS ARE SO ESSENTIAL THAT IT IS WORTH VISIT BY USG OFFICIALS TO COSTA RICA TO GET THEM, THEN EMBASSY RELUCTANTLY CONCURS IN VISIT BUT BELIEVES THAT WE MUST INSIST THAT CONSUL BE PRESENT IN ORDER TO CLOTHE PROCEEDINGS WITH THE AUTHORITY OF OUR CONSULAR CONVENTION (ARTICLE VIII) AND THUS TO ENSURE THEIR LEGALITY. WE ALSO BELIEVE IT IMPORTANT FOR POLITICAL AND PUBLIC RELATIONS PURPOSES THAT THE DEPOSITIONS BE TAKEN ON EMBASSY PREMISES (PREFERABLY IN THE CONSULAR SECTION ITSELF) IN ORDER TO DRAMATIZE THE FACT THAT WE ARE FOLLOWING NORMAL, LEGAL CONSULAR PROCEDURES. THIS MIGHT HELP TO DEFLECT LATER ALLEGATIONS EITHER HERE OR IN THE UNITED STATES OF IMPROPRIETIES AND/OR EXTRA-LEGAL POLITICAL MOTIVATIONS. (NOTE: FACIO OBSERVED TO AMBASSADOR THAT TAKING DEPOSITIONS ON EMBASSY PREMISES WOULD HAVE ADVANTAGE OF ACCORDING EXTRA-TERRITORIAL STATUS TO THE PROCEEDINGS.)

5. IF THE DEFENDANTS' CONCERN IS THAT THEY MIGHT BE SEIZED IF THEY COME TO THE EMBASSY (IT IS ALSO POSSIBLE THAT THEY SIMPLY HOPE TO GAIN MORE PUBLICITY FOR THEIR PURPOSES AT SOME OTHER LOCALE), IT WOULD SEEM THAT ADEQUATE ASSURANCES COULD BE GIVEN THEM THAT THEY WILL NOT BE ARRESTED IN THE EMBASSY AND CAN COME AND GO AS THEY WISH.

6. WE ARE SURPRISED AT THE SUGGESTION THAT ANOTHER EMBASSY MIGHT BE USED FOR MEETINGS. WE THINK THIS INAPPROPRIATE, DOES NOT HAVE ABOVE ADVANTAGES, AND IS IN FACT DEMEANING.

7. PLEASE ADVISE.
TODMAN

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